

REMARKS

Claims 1, 2, 4 through 21, 23 and 24 are now active in this application. In response to Office Action dated June 25, 1999, claims 3 and 22 have been cancelled, and claims 1, 4, 21 and 23 have been amended. Care has been exercised to avoid the introduction of new matter. Favorable reconsideration of this application as now amended, in light of the following comments, is respectfully requested.

A Draftperson's Review sheet indicates informalities in the drawings. As the drawings are acceptable for the purpose of examination, submission of formal drawings is being deferred, as appropriate, until an indication of allowability is received.

The present invention provides communication of a voice call through a public data network, such as the Internet, if the quality of service through such network is satisfactory. In response to placement of a voice telephone call by a first station, the quality of service through the data packet network portion is compared with a predetermined threshold level for the voice telephone call. If the threshold level is exceeded, the telephone call is routed to the destination station through the Internet in packet data format. If the threshold level is not exceeded, the voice call is routed to the destination station through an interexchange carrier switched voice network in PSTN network protocol.

Claims 1, 6 through 8 and 21 have been rejected under 35 USC § 102(e) as being anticipated by Jones [et al.], as set forth in paragraph 3 of the Office Action. Claims 2, 3, 22 and 23 have been rejected under 35 USC § 103(a) as being unpatentable over Jones, as stated in paragraph 5 of the Office Action. Claims 4, 5, 9 through 20 and 24 have been rejected under 35 USC § 103(a) as being unpatentable over Jones in view of Bartholomew [et al.]. Jones, illustrated in Figs. 1-3, is directed to changing resources for a data connection

in a cable telephony system, between shared and unshared paths, if quality of service conditions are not satisfactory. Both shared and unshared connections are within the cable system. For voice telephone calls, Jones illustrates in Fig. 2 a single dedicated connection to the "original CAU." Jones does not disclose or suggest set up of a voice call through the Internet if the quality of service level for data transport exceeds a predetermined threshold level for the voice call or set up of the voice call through a traditional PSTN path via an Interexchange carrier if the threshold level is not met.

Bartholomew discloses an Intelligent Peripheral that is used in both narrowband and broadband services. Such services may involve communication solely through the PSTN or in combination with data networks such as the Internet. However, it is submitted that Bartholomew would not have suggested to the artisan modification of the Jones cable system to be applicable to alternative voice call rerouting between either an exclusively PSTN protocol network or a packet data network link, based on quality of service of the packet data network. The latter features are specifically required by independent claims 1 and 21 and their dependent claims.

Accordingly, it is submitted that the rejections of claims 1 2, 4 through 21, 23 and 24 have been overcome. Withdrawal of this rejection and allowance of the application are respectfully requested.

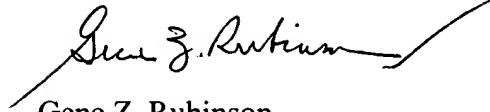
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in cursive script, reading "Gene Z. Robinson", followed by a long horizontal flourish line extending to the right.

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